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PATENT
PD-200288
Customer No. 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taber B. Noble

Serial No: 09/818,230

Filed: March 27, 2001

Title:
DAYPART BASED NAVIGATION
PARADIGM

Group Art Unit: 2614

Examiner: Jason Benton

) I hereby certify that this paper is being
) transmitted to the Commissioner for Patents,
) United States Patent and Trademark Office,
) Washington, DC 20231 via facsimile (to number
) 703/308.7766) on this date.


) Signature

Dana J. Warnquist

Typed or printed name of person signing Certificate

Date: April 8, 2002**RECEIVED**

JUL 25 2002

OFFICE OF PETITIONS

**PETITION TO REVIVE ABANDONED APPLICATION
BASED ON UNINTENTIONAL FAILURE TO NOTIFY OF FOREIGN FILING
PURSUANT TO 37 CFR §§ 1.137(b) and 1.137(f)
AND
RELATED COMMUNICATION**

Commissioner for Patents
Washington, DC 20231

Sir:

The present application is believed to be abandoned pursuant to 35 U.S.C.
122(b)(2)(B)(iii) for failure to timely notify the Office of a foreign filing.

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PETITION

Pursuant to 37 CFR §§ 1.137(b) and 1.137(f), applicant respectfully petitions to revive the above-identified application. As discussed below, the failure to notify was unintentional.

Submitted herewith is a Request to Rescind Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(iii)).

Please charge the petition fee of \$1,280.00 pursuant to 37 CFR § 1.17(m) to Deposit Account No. 50-0383 of Hughes Electronics Corporation. If any additional fee is due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0383 of Hughes Electronics Corporation, El Segundo, California.

DISCUSSION

The above-identified application was filed on March 27, 2001, based on a provisional application filed November 27, 2000. At the time the invention disclosure was reviewed by the group charged with reviewing all such disclosures on behalf of assignee (which group includes the undersigned), a decision was made to file an application in the United States. Consideration was also given to corresponding foreign filings. It was determined that there was no present intention to file any foreign applications. Accordingly, a Nonpublication Request Under 35 USC § 122(b)(2)(B)(i) was filed contemporaneously with the present application.

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The docketing system of assignee provides reminders of approaching one-year anniversaries of all U.S. applications. Pursuant to standard practice, on receiving this reminder the group which reviews invention disclosures considers again the possibility of foreign filings, taking into account the then-present circumstances. As a result of this later review of the present case, a new decision was made to file a corresponding case in the EPO. Accordingly, on November 26, 2001, an application corresponding to the present application was filed with the European Patent Office.

In accordance with 35 USC § 122(b)(2)(B)(iii) and 37 CFR §1.213(c), a notice of foreign filing and request to rescind the previous nonpublication request should have been filed within 45 days, on or before January 10, 2002. However, such notice or request was unintentionally not submitted on behalf of applicant in this case.

During a review of internal docketing information, it was noticed for the first time on April 3, 2002 that the Patent Office had not been notified of the November 26, 2001 foreign filing. The undersigned then promptly prepared the present communication and Petition for submission.

Counsel for applicant have taken steps to revise the internal docket procedures to better take into account recent changes in the Patent Office publication rules.

The undersigned counsel for applicant hereby states and represents that the delay in filing the Request to Rescind Previous Nonpublication Request (35 U.S.C. 122(b)(2)(B)(iii)) was unintentional, and that it is being immediately drawn to the attention of the Patent Office within days of its discovery.

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If a telephone inquiry would assist in resolving this matter, please feel free to contact the undersigned at 303/712.5044, or by facsimile at 303/712.5042.

Respectfully submitted,

Dated: April 8, 2002

By 

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Attorney for Applicant

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